

**REMARKS**

Upon entry of the claim amendments, claims 2-6, 16-17 and 19 are all the claims pending in the application. Claims 12, 15 and 20 are canceled, and claims 2-4, 6 and 19 are amended.

Specifically, claims 2-4 and 6 are amended to recite that R<sub>14</sub> or R<sub>15</sub> is optionally substituted by one of the recited substituents. Support for the claim amendments can be found throughout the specification and originally filed claims, especially at least at page 10, lines 11-13 and original claims 2-4 and 6.

Claim 19 has been amended to correct a typographical error.

Accordingly, no new matter has been introduced by these amendments to claims.

**I. Claim to Priority**

In the Office Action Summary, the Examiner inadvertently did not acknowledge receipt of the certified copy of the priority document. Accordingly, Applicants respectfully request that the Examiner acknowledge receipt of the certified copy of the priority document in the next action.

**II. Claims Rejections-35 U.S.C. § 102**

Claims 2-6, 16-17 and 19 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Inoue (CA 58:33236).

As pointed out in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. Of California*, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)." Applicants respectfully assert that the Office Action failed to provide a prior art reference that teaches every element as set forth in the claim.

Claims 2-4 and 6 have been amended to to recite that R<sub>14</sub> or R<sub>15</sub> is optionally substituted by one of the recited substituents, and claims 5 and 16-17 depend directly, or indirectly, from independent claim 2. The amendments to claim 2 render moot all outstanding claim rejections to claims 5 and 16-17, because the cited art fails to disclose the claimed compound as recited in claim 2.

Regarding claim 19, as noted in the previous Amendment of April 16, 2009, Inoue does not disclose 4',7-dihydroxy-4-methylimino-isoflavan (11), 4',7-dihydroxyisoflavanone oxime (12), 4-amino-3',4'-dimethoxy-7-hydroxy-8-methylisoflavan (13), or N-(3',4'-dimethoxy-7-hydroxy-8-methyl-4-chromanyl)-acetamide (14) as recited in the claim. Page 16 of the Specification. Page 18, *Amendment of April 16, 2009*.

Accordingly, Applicants respectfully request that this rejection under 35 U.S.C. § 102 be reconsidered and withdrawn.

### **III. Claims Rejections-35 U.S.C. § 112, First paragraph**

Claims 12, 15 and 20 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement.

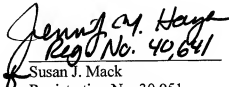
Without acquiescing in the merits of the rejection, claims 12, 15 and 20 are canceled without prejudice solely to expedite the prosecution.

### **IV. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
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